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Written statement* submitted by the Permanent Assembly for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

The situation of women in prison*

The Permanent Assembly for Human rights (APDH) in association with the National Prisoner Ombudsman (PPN) from Argentina, a national independent institution dedicated since 1993 to the promotion and protection of human rights of people in prison, would like to call your attention to the situation of women in prison, specially mothers in charge of little children[1].

Loss of liberty for women represents a profound violation of their rights since prison was created from a masculine point of view. This means that the penitentiary system does not contemplate a gender perspective. Prison architecture, security procedures, health facilities, family bonds, work and education have been designed by men for men. In this sense, prisons for women are just a bad adaptation of men´s prisons, which can´t manage to satisfy their specific needs.

In the last years, women`s prison`s population has increased significantly, not as the result of increase in crimes, but as the result of the implementation of a new criminal law policy on drug trafficking crimes. In this context, 7 out of 10 women are accused or convicted for committing drug-related crimes, in most cases, for trafficking and selling drugs. We are talking about poor women, coming from *marginalized and vulnerable groups*, with low educational level, mostly foreigner that agree to do so as their last resort for earning a living. Women are tempted into non-violent criminal behavior with a great deal of exposure, they are socially known as "mulas", and represent the last link in the criminal organization chain, and the most vulnerable of course.

The disproportion between social damage these crimes represent and the punishment these women are condemned to is enormous, mainly because of the impact loss of liberty has on them and their family members. Women in prison face a violent environment, where most of their rights are violated (right to health, education, physical integrity, work and the respect of their family´s bonds). Even more, the social role these women carry out as mothers raising children, makes the loss of liberty even harder since it affects their family directly, especially on their kids.

PPN investigations in federal prisons show that 86% of the survey respondents are mothers and mostly head of monoparental families. Moreover, on average, prisoners that are mothers have three children; 86 % of them have children under 18, while one fifth of them are mothers of children under 4. On the other hand, 88 % of women with children under 18 stated that at the moment they were arrested they were living have 2 or 3 children under 18, and 22% said that they were living with children over 18. Investigation results show, these women have a central role in daily care and economic maintenance of their children.

In this context, it is important to pay special attention on the situation of children under 4 are living while staying with his mothers in prison. There is no doubt prison is not an appropriate place to raise a child and that it has serious impact on physical, mental and emotional development. Even more, insufficiency of health attention does not meet specific women/mothers in prison needs related to pregnancy, lactancy and special care for small children.

Even though house arrest law reform of 2008 (LAW Nº 26.472) extended the circumstances for the granting including women with children under 5, was an important step, the

* National Prisoner Ombudsman (PPN), an NGO without consultative status, also shares the views expressed in this statement.

[1] Procuración Penitenciaria de la Nación, anual report 2010, www.ppn.gov.ar

implementation is still insufficient. It is essential to avoid the use of loss of liberty or to substitute it, when there is no other option, for house arrest as a general rule of procedure.

On the other hand, in cases where children are separated from their mothers the effects are not less injurious. It forces children to grow up without their mother´s care and supervision, to stay with other family members or to become institutionalized children, which sometimes ends up breaking the bond causing complex psychological and emotional consequences. The result is children going from institution to institution, dropping out of school, economic vulnerability, children labour exploitation, social and health problems, among others.

The Permanent Assembly for Human Rights and the National Prisoner Ombudsman call on member states to reflect on the effects prison has on women/ mother prisoners. We invite you to explore the possibility of establishing alternative sentences that does not turn out harmful for the children of women prisoners. We invite you to reflect as well on the proportion of the sentence, taking into account that the main objective of prisons is the re-education and social reinsertion of prisoners.

Another topic that proves the male sexist logic of the imprisonment is gender violence which many times turn into violence on women's body. Degrading requisition, to which women are subjugated, consisting in parcial or total nudity while checking private parts of their bodies, are a real example of this behavior. Women are forced to show their body for the examination in a humiliating way.

Prison sentence has differential impact on men and women. Nevertheless, the judiciary and penitentiary systems are not aware of these differences. In the context of the annual full-day discussion on women's rights we call on to reflect on the importance of establishing a criminal policy with a gender perspective and to debate on the possibility of establishing alternative sanction other than prison.